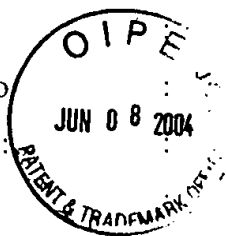


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor HILL et al.
Appln. No. 09/586,054
Conf. No.: 5574
Filed: June 2, 2000
Title: AVERAGE VOLUME VENTILATION
Group Art Unit : 3761
Examiner : Erez, D.
Docket No. : 98-37



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* * * * *

June 8, 2004

RESUBMISSION OF AMENDMENT

Hon. Commissioner of Patents
and Trademarks
Alexandria, VA 22313-1504

Sir:

An Office Action was issued in the above-identified U.S. patent application on October 7, 2003. An Amendment in response to this Office Action was mailed on January 6, 2004. However, a review of the Patent Application Information Retrieval (PAIR) system does not show that the January 6, 2004 Amendment has been received at the Patent Office.


Accordingly, applicant is resubmitting a copy of the January 6, 2004 Amendment, herewith, along with evidence - in the form of a stamped Post Card Receipt - that this Amendment was received in the U.S. Patent Office on that date. To this end, copies of the

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on June 8, 2004 with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No. EL 997387868 US.


Michael W. Haas, Reg. No. 55,174

HILL et al. -- Appln. No.: 09/586,054

following documents that were filed in connection with the above-identified U.S. patent application on January 6, 2004 are enclosed:

- 1) Stamped Postcard Receipt (stamped received on January 6, 2004),
- 2) Transmittal Form dated January 6, 2004 (1 page),
- 3) Amendment dated January 6, 2004 (18 pages);
- 4) Certificate of Mailing by Express Mail (1 page, Express Mail Label No. EL 1962522505 US); and
- 5) Express Mail receipt dated January 6, 2004 (1 page).

Applicant notes that the Certificate of Mailing by Express Mail also proves that the Amendment responsive to the October 7, 2003 Office Action was mailed on January 6, 2004.

Applicant respectfully requests that the Amendment filed on January 6, 2004 be entered. Moreover, applicant submits that this Amendment overcomes the rejections set forth in the October 7, 2004 Office Action. Accordingly, favorable consideration and allowance of the present application, as well as a Notice to that effect, are earnestly solicited.

The January 6, 2004 Amendment in response to the October 7, 2003 Office Action was filed within the three-month statutory response period, which expired on January 7, 2004. In addition, no additional claim fees were believed to be required as a result of the attached amendments to the claims. Thus, no fees are due based on the filing of the January 6, 2004 Amendment. Nevertheless, the Commission is authorized to charge any fee required under 37 C.F.R. §§ 1.16 or 1.17 to deposit account no. 50-0558.

Respectfully submitted,

By Michael W. Haas

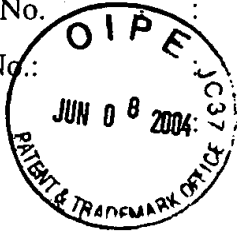
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RESPIRONICS, INC.
1010 Murry Ridge Lane
Murrysville, PA 15668-8525

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : HILL et al.
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Examiner : Erez, D.
Docket No. : 98-37 RCE



* * * * *

January 6, 2004

RESPONSE

Hon. Commissioner of Patents
and Trademarks
Alexandria, VA 22313-1504

Sir:

INTRODUCTORY REMARKS

In response to the Official Action dated October 7, 2003, please enter the following amendments and consider the following remarks.

Amendments to the Claims are reflected in the listing of the claims, which begin on page 2 of this paper.

Remarks begin on page 15 of this paper.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on January 6, 2004 with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
Express Mail Label No. EV 196252505 US.

Michael W. Haas

Michael W. Haas, Reg. No. 35,174